

Local Form 4A

July 2007

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
Charlotte DIVISION

In re: ) Case No. 10-31833  
CLYDE EARL ADAMS )  
Debtor(s) ) Chapter 13

**AMENDMENT TO:**  
**CHAPTER 13 PLAN, INCLUDING NOTICE OF MOTION(S) FOR VALUATION;  
MOTION(S) TO AVOID CERTAIN LIENS; MOTION(S) FOR ASSUMPTION AND  
REJECTION OF EXECUTORY CONTRACTS AND UNEXPIRED LEASES; AND NOTICE OF  
OPPORTUNITY FOR HEARING ON CONFIRMATION OF THE PLAN INCLUDING ALL MATTERS AS  
SET FORTH IN THE PLAN,  
FOR CASES FILED ON OR AFTER JULY 2, 2007**

Check for motions applicable to this plan amendment:

- ☐ Motion to Value Liens Includes Valuation of Property Securing A Claim  
☐ Motion to Value Liens includes Valuation of Property Securing A Claim in an  
Amount Less than the Amount of the Claim  
☐ Motion to Avoid Liens §522(f)  
☐ Motion to Assume Executory Contracts(s) and Unexpired Leases  
☐ Motion to Reject Executory Contract(s) and Unexpired Leases  
☒ No motions applicable to this plan amendment

The Chapter 13 Plan, including certain motions and other provisions, is hereby **amended** as follows:

**a. Domestic Support Obligations ("DSOs")**

All postpetition DSOs, including postpetition DSOs assigned to a governmental unit, will be paid directly to the holder by the debtor(s) or to the assignee of the claim and not through the Chapter 13 Trustee unless otherwise specified under the "Special Terms" section of the plan.

i. ☐ None

ii. The name, address and phone number including area code of the holder of any DSO as defined in 11 U.S.C. Section 101(14A). Pursuant to 11 U.S.C. Section 112, the names of minor children should not be disclosed. Include in this list all DSOs as defined by the statute, notwithstanding the fact that the debtor may believe the obligation to be voluntary or contingent in nature.

<u>Name</u>	<u>Address (incl. city, state, zip code)</u>	<u>Telephone</u>
1. Ashley Meadows	116 23d. Street Kannapolis, NC	(704) 933-3727

## 5. Secured Claims

Other than conduit mortgage payments or secured claims that are to be paid directly by the debtor(s), the trustee shall pay the value of all allowed secured claims, on a pro rata basis in monthly amounts sufficient to provide adequate protection, pursuant to the following treatment classifications:

a. For purposes of the plan, the treatment of each claim is specified below. Treatment shall be one of the following: (1) Mortgage payment through Chapter 13 Trustee: **"Conduit;"** (2) Direct payment by the debtor(s) : **"Direct"**, (if mortgage, only as authorized by the Court) and include a brief comment in "Special Terms" as to why this treatment is proposed; (3) Payment in full by the Chapter 13 Trustee through the plan where Section 506(a) does not apply: **"910/365"**; (4) Payment of the value of the collateral by the Chapter 13 Trustee through the plan where Section 506(a) does apply: **"As valued"**; (5) Debtor(s) will surrender the collateral: **"Surrender"**, or (6) File proceeding to determine validity of lien: **"Avoidance."**

Creditor Rate (numeric)	Collateral	Value of Coll.	Claim Amt.	Treatment	Int.
1. Wells Fargo 6.75% a.p.r.	Mortgage-Residence	\$124,600.00	\$97,252.00	Conduit	
2. Citifinancial 6.875% apr	Mortgage-Rental	\$130,000.00	\$119,909.10	Direct	
3. Carolina Truck Sales 5.25% a.p.r.	2001 Freightliner FLD 12064ST	\$10,000.00	\$7,000.00	As valued	
4. MD Equipment n/a	2003 Freightliner Columbia -0-(Leased)		\$10,683.00	Surrender	
5. Bank of America special terms)	2006 Infiniti X56	\$30,075.00	\$25,816.23	Surrender	(See

## 7. Special Terms

a. ☐ None

b. Special Treatment of Unsecured Claims, and Explanation of Treatment

c. Brief Comment Explaining Direct Payment Treatment for Secured Claims under Paragraph 5(a)(2)

d. ☐ Pay no interest on mortgage arrearages **OR** ☐ Pay interest on mortgage arrearages at a rate of \_\_\_\_%

e. Other Special Terms

2006 Infiniti automobile secured to Bank of America to be paid directly by co-signer.

TAKE NOTICE: Your rights may be affected. You should read this amendment to the Chapter 13 Plan carefully, including any motions contained in the amended plan, and discuss them with your attorney, if you have one, in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to confirm the proposed plan of the debtor(s) as amended, including any of the motions included in the amended plan, or if you want the court to consider your views on these matters, then you or your attorney must file with the Court a written objection to confirmation and request for hearing on confirmation at the following addresses:

Cases filed in the **Charlotte, Shelby or Wilkesboro** Divisions:

Clerk, U.S. Bankruptcy Court, P.O. Box 34189, Charlotte, N.C. 28234-4189.

Cases filed in the **Asheville or Bryson City** Divisions:

Clerk, U.S. Bankruptcy Court, Room #112, 100 Otis Street, Asheville, N.C. 28801

Your objection to confirmation and request for hearing must include the specific reasons for your objection, and must be filed with the Court no later than fifteen (15) days following the conclusion of the Section 341(a) meeting of creditors, or within fifteen (15) days of service of the amendment, whichever is later. If you mail your objection to confirmation to the Court for filing, you must mail it early enough so that the Court will receive it on or before the deadline stated above. You must also serve a copy of your objection to confirmation on the debtor(s), the attorney for the debtor(s), and the Chapter 13 trustee at their addresses as they are listed in the notice of the meeting of creditors. If any objections to confirmation are filed with the Court, the objecting party will provide written notice of the date, time and location of the hearing. No hearing will be held unless an objection to confirmation is filed.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the proposed plan of the debtor(s) as amended, including any motions contained in the amended plan, and may enter an order confirming the amended plan and granting the motions. **Any creditor's failure to object to confirmation of the proposed plan as amended shall constitute the creditor's acceptance of the treatment of its claim as proposed, pursuant to 11 U.S.C. Section 1325(a)(5)(A).**

I hereby certify that I have reviewed this document with the debtor(s) and that the debtor(s) have received a copy of this document.

Dated \_\_\_\_\_

\_\_\_\_\_  
Attorney for the Debtor